IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 6933 of 2005

For Approval and Signature:

THE HON'BLE MR.JUSTICE SHARAD D.DAVE

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1	Whether Reporters of Local Papers may be allowed to see the judgment ?
2	To be referred to the Reporter or not ?
3	Whether their Lordships wish to see the fair copy of the judgment ?
4	Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 of any order made thereunder ?
5	Whether it is to be circulated to the civil judge ?

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IZHARUDDIN NAZIMUDDIN KAZI - Petitioner(s)

Versus

STATE OF GUJARAT &3 - Respondent(s)

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Appearance :

Ms.Shaheen Qureshi for MR MM TIRMIZI for Petitioner No(s).: 1.
RULE SERVED BY DS for Respondent No(s).: 1,2.
MR PD BHATE, AGP for Respondent No(s).: 3.

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CORAM :THE HON'BLE MR.JUSTICE SHARAD D.DAVE

Date : 27/06/2005

ORAL JUDGMENT

1. The impugned order came to be challenged by the petitioner detenu on various grounds. One of the grounds is the delay in passing the detention order. The last criminal case was registered with Valsad Rural Police Station being I CR No. 27 of 2005 against the petitioner on 10.2.2005 under the Indian Penal Code, and, therefore, delay in passing the detention order may reflect non-application of mind in arriving at the subjective satisfaction by the detaining authority. It is true that the delay by itself in passing the detention order not fatal to the detention of the person and has to be looked into from the facts of each case. The facts of this case are squarely covered by the decision of this Court in the matter of Elesh Nandubhai Patel V/s Commissioner of Police, reported in 1997(1) GLH 381, the detention order, therefore, cannot be sustained and deserves to be quashed on this ground alone.

(SHARAD D DAVE, J)

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